

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT of INDIANA
Indianapolis Division

FILED

10/28/2024

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Kristine L. Seufert, Clerk

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA
AMERICAN EXPRESS NATIONAL
BANK;

and

TRANS UNION LLC (*settled and
dismissed*)

Defendants.

Case No. 1:22-cv-1993-TWP-MJD

Honorable Tanya Walton Pratt
Magistrate Judge Mark J. Dinsmore

DOCKETING STATEMENT OF PLAINTIFF

1. Jurisdictional Statement:

This appeal is from the final orders and judgment of the United States District Court for the Southern District of Indiana, entered on October 17, 2024, in Case No. 1:22-cv-01993-TWP-MJD. The United States Court of Appeals for the Seventh Circuit has jurisdiction over this appeal pursuant to 28 U.S.C. § 1291.

2. Nature of the Case:

This case involves a civil action initiated by Plaintiff, pro se, alleging violations under the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.) against Defendant. The District Court dismissed Plaintiff's claims and directed arbitration, subsequently dismissing the case with prejudice for failure to prosecute after Plaintiff did not initiate arbitration as ordered.

3. Issues to Be Raised on Appeal:

Plaintiff intends to raise the following issues on appeal:

- A. Whether the District Court erred in compelling arbitration when Plaintiff argued that the arbitration agreement was unenforceable.
- B. Whether the District Court abused its discretion in dismissing Plaintiff's claims with prejudice for failure to prosecute due to non-compliance with arbitration orders.
- C. Whether the District Court's orders and judgment were contrary to federal procedural rules and established legal principles.

4. Related Cases:

To the best of Plaintiff's knowledge, there are no related cases currently pending in this or any other court.

5. Transcript Information:

Plaintiff does not intend to order any additional transcripts for this appeal as the issues on appeal are based on the existing record and orders.

6. Briefing Schedule:

Plaintiff proposes the following briefing schedule, subject to the approval of the Court:

- **Appellant's Opening Brief:** December 15, 2024
- **Appellee's Response Brief:** December 29, 2024
- **Appellant's Reply Brief:** January 5, 2025

7. Representation:

Plaintiff Joey Kimbrough is proceeding pro se.

Respectfully Submitted,

/s/ Joey Kimbrough

Joey Kimbrough, Plaintiff, Pro Se

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Certificate of Service

I hereby certify that on October 28th, 2024, I electronically filed the foregoing with the Clerk of the Court by email with attachments as is required by the Court.

Distribution:

All ECF-registered counsel of record

Respectfully Submitted,

/s/ Joey Kimbrough